IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION NO. 5:22-CV-69-BO

| SHELLY ALEXANDER, |) | |
|--|-------------|---|
| Plaintiff, |) | |
| v. |))) | ORDER APPROVING MOTION FOR ATTORNEY FEES PURSUANT TO 42 U.S.C. §406(b) |
| ACTING COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION, |) | |
| Defendant. |) | |

Plaintiff's counsel files a motion for approval of attorney's fees under section 406(b) of the Social Security Act, 42 U.S.C. ' 406(b), in the amount of \$15,400.50. Attorney's fees under section 406(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. ' 406(b). Counsel for plaintiff shall refund the lesser of the amount awarded under 42 U.S.C. ' 406(b) and the \$5,250.00 awarded under the Equal Access to Justice Act (EAJA).

Defendant filed a response stating that, under <u>Gisbrecht v. Barnhardt</u>, 535 U.S. 789, 122 S. Ct. 1817 (2002), it is the duty of the Court to determine a reasonable fee.

IT IS HEREBY ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. '406(b) in the amount of \$\(\frac{15400}{50} \).

SO ORDERED, this the // day of Novemby, 2023.

TERRENCE W. BOYLE United States District Judge